

**Federal Communications Commission**

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**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of )  
                        )  
Lakeland Electric      ) File No.: EB-06-TP-090  
Attn: Jim Stanfield    )  
General Manager       ) Citation No.: C20063270005  
501 E. Lemon Street    )  
Lakeland, FL 33801     )

**CITATION**

**Released:** May 16, 2006

By the District Director, Tampa Office, South Central Region, Enforcement Bureau:

1. This is an Official Citation issued pursuant to Section 503(b)(5) of the Communications Act of 1934, as amended (“Act”),<sup>1</sup> to Lakeland Electric for violation of Section 15.5 of the Commission’s Rules (“Rules”) regarding the general conditions for operating incidental radiators.<sup>2</sup>

2. On March 28, 2006, two agents from the Commission’s Tampa Office of the Enforcement Bureau were dispatched in regards to a complaint of interference to amateur radio frequencies in Lakeland, Florida. The Agents identified Lakeland Electric’s utility poles number LE106273, LE106272 and LE106268 which were acting as incidental radiation devices,<sup>3</sup> emitting radio frequency energy to the extent that it caused harmful interference to an authorized radio service.

3. Section 15.5(b) of the Rules states “[o]peration of an intentional, unintentional, or incidental radiator is subject to the conditions that no harmful interference is caused.”<sup>4</sup> Section 15.3(m) of the Rules defines harmful interference as “any emission, radiation or induction that ... seriously degrades, obstructs or repeatedly interrupts a radio communication service operating in accordance with this chapter.”<sup>5</sup> Section 15.5(c) of the Rules requires that “[t]he operator of the radio frequency device shall be required to cease operating the device upon notification by a Commission representative that the device is causing harmful interference.”<sup>6</sup>

4. You are hereby notified that operation of these utility poles was causing interference to a licensed service, such that the service was seriously degraded, in violation of Section 15.5(b) of the Rules

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<sup>1</sup>47 U.S.C. § 503(b)(5).

<sup>2</sup>47 C.F.R. § 15.5.

<sup>3</sup>47 C.F.R. § 15.3(n).

<sup>4</sup>47 C.F.R. § 15.5(b).

<sup>5</sup>47 C.F.R. § 15.3(m).

<sup>6</sup> 47 C.F.R. § 15.5(c).

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5. Violations of the Act or the Rules may subject the violator to substantial monetary forfeitures.<sup>7</sup>

6. Lakeland Electric may request an interview at the closest Commission Office, which is: Federal Communications Commission, 2203 N. Lois Avenue, Suite 1215, Tampa, FL 33607.<sup>8</sup> You may contact this office by telephone, (813) 348-1741, to schedule this interview, which must take place within 14 days of this Citation. Lakeland Electric may also submit a written statement to the above address within 14 days of the date of this Citation. Any written statements should specify what actions have been taken to correct the violation outlined above. Please reference file number EB-06-TP-090 when corresponding with the Commission.

7. Any statement or information provided by you may be used by the Commission to determine if further enforcement action is required.<sup>9</sup> Any knowingly or willfully false statement made in reply to this Citation is punishable by fine or imprisonment.<sup>10</sup>

8. **IT IS ORDERED** that copies of this Citation shall be sent by First Class U.S. Mail and Certified Mail, Return Receipt Requested to Lakeland Electric at the address of record.

## FEDERAL COMMUNICATIONS COMMISSION

Ralph M. Barlow  
District Director, Tampa Office  
South Central  
Enforcement Bureau

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<sup>7</sup>47 C.F.R. § 1.80(b)(3).

<sup>8</sup>47 U.S.C. § 503(b)(5).

<sup>9</sup>See Privacy Act of 1974, 5 U.S.C. § 552a(e)(3).

<sup>10</sup>See 18 U.S.C. § 1001 *et seq.*